

REVISED TO ADD ADDENDUMS 13A AND 17A

CITY COUNCIL
CITY OF WICHITA
K A N S A S

City Council Meeting
September 16, 2003, 9:00 A.M.

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the previous meeting

AWARDS AND PRESENTATIONS

Proclamations

KDHE Pollution Prevention Awards.

PUBLIC AGENDA

1. Captain Larry Simmons, Ret. - Presentation to City of Wichita-Smoke Eater Softball Tournament.
2. Ron Maholmes - Property at 21st and Jardine.
3. Mary Dean – City Council Members, Boeings IRB’s, and Disparity Diversity Task Force Committee.
4. King David Davis – Standards of Old.

NEW BUSINESS

5. Public hearing: Garrison Development, Inc.; Resolution of Support for Low-Income Housing Tax Credit Application. (District I)

Garrison Development, Inc. has requested a Resolution of Support in connection with an application for Low-Income Housing Tax Credits to be submitted to the State of Kansas.

RECOMMENDED ACTION: Close the Public Hearing and adopt the Resolution of Support.

6. Public Hearing: Abbey Senior Care, L.L.C.; Resolution of Support for Low-Income Housing Tax Credit Application. (District VI)

Abbey Senior Care, L.L.C. has requested a Resolution of Support in connection with an application for Low-Housing Tax Credits to be submitted to the State of Kansas.

RECOMMENDED ACTION: Close the Public Hearing and adopt the Resolution of Support.

7. Request for a Letter of Intent for Industrial Revenue Bonds and Extension of IRB Tax Exemption, Vermillion, Inc. (District IV)

On March 17, 1998, the City Council approved the issuance of \$2,000,000 in Industrial Revenue Bonds, to Vermillion Incorporated. Vermillion is now requesting the City issue a one-year Letter of Intent for IRBs in an amount of \$2,550,000. The bonds will be used to refund the outstanding Industrial Revenue Bonds, Series III, 1998, and the cost of acquiring, installing and constructing new equipment.

RECOMMENDED ACTION: Approve the Letter of Intent and extension of tax exemption; authorize the necessary signatures.

(9:30 a.m. or thereafter)

8. Repair or Removal of Dangerous & Unsafe Structures.

- a. On August 5, 2003 a report was submitted with respect to the dangerous and unsafe conditions on four (4) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on September 16, 2003.

<u>Property Address</u>	<u>Council District</u>
a. 617 North Grove	I
b. 932 North Ohio	I
c. 2027 North Grove	I
d. 3054 North Park Pl.	VI

- b. On August 5, 2003 a report was submitted with respect to the dangerous and unsafe conditions on seven (7) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on September 16, 2003.

<u>Property Address</u>	<u>Council District</u>
a. 542 North Spruce	I
b. 655 North Estelle	I
c. 1631 North Minnesota	I
d. 1822 East 22nd St. N.	I
e. 149 South Mt. Carmel	IV
f. 2564 South Mosley	III
g. 1416-18 South Bluffview	III

RECOMMENDED ACTION: Close the public hearing; adopt the resolutions.

9. Amnesty Program

During the Amnesty period the City of Wichita will forgive the warrant fee and eliminate the threat of arrest for defendants who voluntarily appear and pay relevant fines and costs. A public awareness plan will be prepared by the Public Information Office to maximize the effectiveness of the program.

RECOMMENDED ACTION: Approve the budget transfer and adopt the resolution.

10. 2004 Health Insurance Program.

The current benefit program is a combination of hospitalization/physician coverage through Preferred Health Systems Preferred Plus of Kansas that expires at the end of 2003:

RECOMMENDED ACTION: Approve the 2004 health insurance package Option 1, associated programs and contracts and authorize necessary signatures.

11. Planeview Library Memorandum of Agreement. (District III)

As a result of budget reductions, the jointly-used Planeview Library was scheduled to be closed. At the request of the School District, an effort was to find a way to continue library services. A proposed agreement between the School District and the City allowing the facility to continue operation is being submitted for City Council approval.

RECOMMENDED ACTION: Approve the Memorandum of Agreement and authorize the necessary signatures.

12. Advertising Signage on City-owned Property.

Currently, the City's policy is not to permit billboard or other signage on properties owned by the City. The Council is being requested to consider a policy relative to sign placement on public properties, where properly zoned and where such signage would not detract from community aesthetics.

RECOMMENDED ACTION: Authorize the development of a policy permitting sign placement; or reject the proposal.

13. Employee Assistance Program.

Since 1984, the City has an Employee Assistance Program for its employees. This program provides various personal and other related counseling services to employees, as requested. A local provider of services is proposed

RECOMMENDED ACTION: Approve the Contract and authorize the necessary signatures.

(Addendum)

13A. Approval of Revised WaterWalk Master Plan and Star Bond Area. (District I)

RECOMMENDED ACTION: Approve the Star Bond Area and the revised “master plan” in concept, subject to amendment of the Development Agreement to reflect necessary changes to the Development Plan; or take desired action.

CITY COUNCIL AGENDA

14. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

15. Appointments to Municipal Court Judge Evaluation Committee.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

16. Report of the Board of Bids and Contracts Dated September 15, 2003.

RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

17. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2003</u>	(Consumption on Premises)
Dennis Grady	Wichita Canteen Company, Inc.*	1845 South Fairmount
Maria E. Maskrid	El Matador Lounge	2033 South Broadway

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

(Addendum)

17A. Application for Licenses to Retail Cereal Malt Beverages.

Special Events

	<u>September 20, 2003</u>	
Wayne Howdenshell	Wichita Sister Cities Salsa Dance	1150 North Broadway
	<u>September 27, 2003</u>	
John E. Thien	Bar-B-Q & Chili Cook-off	230 North Mosley

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

18. Subdivision Plans and Specifications.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids.

19. Preliminary Estimates:

- a) Twinlake Drive from the west line Creekside Lane to the north line Laguna; Twinlake Court from the north line Twinlake Drive to and including the cul-de-sac; Watson/Laguna from the west line Creekside Lane to the west line 159th Street East; Morris from the south line Lot 24, Block 9 to the north line Clear Creek Addition; Laguna from the south line of Lot 18, Block 1 to the south line Laguna to serve Clear Creek Addition - west of 143rd Street East, south of Kellogg. (472-83743/765801/490912) Does not affect existing traffic. (District II) - \$512,000
- b) Lateral 6, Main 8 Southwest Interceptor Sewer to serve Savannah Place Addition - south of Maple, west of Tyler. (468-83229/744002/480690) Does not affect existing traffic. (District V) - \$13,000
- c) Lateral 1, Main 13, Sanitary Sewer #23 to serve KDOT - east of Hillside, south of 53rd Street North. (468-83456/743944/480632) Traffic to be maintained using flagpersons and barricades. (District I) - \$200,000
- d) Westlake Parkway (Phase 1) from the west line of Tyler to the west line of Den Hollow to serve Fox Ridge Addition - north of 29th Street north between Maize and Tyler. (472-83784/765810/490921) Does not affect existing traffic. (District V) - \$91,000
- e) Westlake Parkway (Phase 2) from the east line of Lot 174, Block 1 to 80 feet west of the west line of Lot 33, Block 5 to serve Fox Ridge Addition - north of 29th Street north between Maize and Tyler. (472-83813/765811/490922) Does not affect existing traffic. (District V) - \$145,000
- f) Westlake Parkway (Phase 3) from 80 feet west of the west line of Lot 33, Block 5 to the west line of Lot 146, Block 1 to serve Fox Ridge Addition - north of 29th Street north between Maize and Tyler. (472-83814/765812/490923) Does not affect existing traffic. (District V) - \$210,000
- g) 2003 condemned sidewalk & wheelchair ramps - north of 55th Street South, east of 135th Street West. (472-83834/132100/) Traffic to be maintained during construction using flagpersons and barricades. (All Districts) - \$161,580
- h) Wheatridge from the south line of Walker to the to 200' north of the north line of Lynndale; Hornecker from the north line of US Highway 54 to the south line of Lynndale; Lynndale from 118.25' west to the west line of Hornecker to the west line of 119th Street West; Walker from the east line of Hornecker to the west line of Wheatridge; Rogers from the north line of Walker to the south line of Lynndale; Irving from the east line of Hornecker to the west line of Rogers to serve Wheatridge; C. Pate Addition to Wheatridge; Bledsoe; Bolton; Friess; Wells Acre; Unplatted Tracts - north of Kellogg, west of 119th Street West. (472-83684/765772/490883) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$605,000
- i) Lateral 67, Main 9, Sanitary Sewer #23 to serve Willowbend North Estates Second Addition - south of 43rd Street North, west of Rock. (468-83686/744003/480691) Does not affect existing traffic. (District II) - \$101,000
- j) Water distribution system (Phase 1) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89833/735140/470810) Does not affect existing traffic. (District V) - \$56,000

(Item 19 continued)

- k) Water distribution system (Phase 2) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89834/735141/470811) Does not affect existing traffic. (District V) - \$61,000
- l) Water distribution system (Phase 3) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89835/835142/470812) Does not affect existing traffic. (District V) - \$35,000
- m) Reed's Cove from the east line of 127th Street East to the west line of Reed's Cove Court; Sidewalk on both sides of Reed's Cove from the east line of 127th Street East to the west line of Reed's Cove Court to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83760/765796/490907) Does not affect existing traffic. (District II) - \$188,000
- n) Peckham from the north line of Lot 13, Block 3 to Reed's Cove; Peckham Court serving Lots 59 thru 69, Block 2 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83761/765797/490908) Does not affect existing traffic. (District II) - \$160,000
- o) Water distribution system to serve Willowbend North Estates Second Addition - south of 43rd Street North, west of Rock. (448-89865/735144/470814) Does not affect existing traffic. (District II) - \$45,000
- p) 37th & Ohio Soccer Field Development, Parking Lot Phase to serve Bridgeport Third Addition - south of 37th Street North, west of Hydraulic. (472-83738/785039/393171) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$300,000
- q) Storm Water Drain #206 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83651/751341/485232) Does not affect existing traffic. (District V) - \$91,000
- r) Storm Water Drain #210 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83670/751343/485234) Does not affect existing traffic. (District V) - \$145,000
- s) Storm Water Drain #211 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83671/751344/485235) Does not affect existing traffic. (District V) - \$178,000
- t) 2003 Wheelchair Ramp and Sidewalk, Phase 3 (Arterial Sidewalk) - north of 47th Street South, east of 119th Street West. (472-83660/706828/706847/202294/203313) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,V) - \$102,800
- u) Lateral 86, Main 22 War Industries Sewer to serve Wilson Farms 4th Addition - south of 21st Street North, west of Webb. (468-83696/744006/480694) Does not affect existing traffic. (District II) - \$122,000

RECOMMENDED ACTION: Approve and file.

20. Petitions for Public Improvements:

- a) Street Paving, Sanitary Sewer, and Water Distribution System to serve Reed's Cove Addition, south of 21st, east of 127th Street East. (District II)
- b) Street Paving, Sanitary Sewer, and Water Distribution System to serve Tara Falls Addition, south of Harry, east of Greenwich. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

21. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

22. Report on Claims Allowed August, 2003:

<u>Name of Claimant</u>	<u>Amount</u>
Cavender, Diana	\$187.80
Harding, Robert L.	\$903.44
Helmurs Cosntruction	\$800.00
Holmes, Clay W.	\$3,565.43**
McCarty, Dan	\$175.00
Menefee, Gregory	\$3,046.61
Moore, Robert W. & Karen S.	\$1,889.50**
Reynolds, Rodney	\$160.75
Schulte, Mike	\$175.00
Stanishia, Nicholas	\$2,608.00
Teneyck, Arlene R.	\$65.50
Tronsgard, Phyllis J.	\$90.78
Trotter, Frank M.	\$26.86
Weigand-Omega Management, Inc.	\$1,017.75

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

23. Agreements/Contracts:

- a) Grant with the Kansas Department of Transportation.
- b) Central Bridge at Tara-supplemental. (District II)
- c) Construction engineering and staking for Liberty Park, Copper Gates Estates, Copper Gate and Heritage Baptist Church Additions, south of 13th, west of 135th Street West-supplemental. (District V)
- d) Construction engineering and staking for Woodland Lakes Estates 3rd Addition, south of Lincoln, west of 127th Street East-supplemental (District II)
- e) Construction engineering and staking for Brentwood South Addition, east of Webb, north of Pawnee-supplemental. (District II)
- f) Construction engineering and staking for Whispering Lakes Estates, south of Harry, east of 143rd Street West-supplemental. (District II)
- g) Construction engineering agreement for Harry from Oliver to Woodlawn. (District III)
- h) City Hall Security Enhancements. (District VI)

(Item 19 continued)

- i) Various Departments, Boards and Agencies Office Supplies.

RECOMMENDED ACTION: Approve Agreements/Contracts;
authorize necessary signatures.

24. Design Services Agreements:

- a) Wilson Farms Fourth Addition, West of Webb, north of 21st. (District II)
- b) The Waterfront Addition, north of 13th east of Webb. (District II)
- c) Fox Ridge Addition, north of 29th Street North, between Maize and Tyler. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts;
authorize necessary signatures.

25. Amending Ordinances and Change Order: Maple Street Improvements, 135th Street West to 119th Street West. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts;
authorize necessary signatures; approve
first reading of the ordinances.

26. General Obligation Refunding and Improvement Local Sales Tax Bond Sale (Series 2003B); \$53,120,000
Cash Redemption of General Obligation Bonds (Series 745); \$3,825,000

RECOMMENDED ACTION: Adopt resolution and authorize staff
to implement redemption.

27. Donation of Vacant Lot at 1121 North Ohio. (District I)

RECOMMENDED ACTION: Approve the donation of City-
owned residential lots.

28. Playground Amenities and Equipment Rehabilitation. (District I & IV)

RECOMMENDED ACTION: Approve the vendor and expenditure.

29. Homeless Assistance

RECOMMENDED ACTION: Approve the proposed funding assistance.

30. Vending Food Services Vendor.

RECOMMENDED ACTION: Approve the vendor.

31. Payment of Condemnation Award–Case No. 03 CV 1883, Hoover Road Project. (District IV)

RECOMMENDED ACTION: Authorize payment of the appraisers' award, together with appraisers' fees and court costs.

32. Resolution of Support for Wichita Downtown Development Corporation-Kansas Community Capacity Building Program Grant Application.

RECOMMENDED ACTION: Adopt Resolution.

33. Second Reading Ordinances: (First read September 9, 2003)

a) Industrial Revenue Bonds, Big Dog Motorcycles, L.L.C. (District I)

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$1,100,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series IV, 2003 (Big Dog Motorcycles Project) for the purpose of providing funds to construct and equip a warehouse facility and construct and equip improvements to an existing Corporate Headquarters and Manufacturing Facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Second Supplemental Trust Indenture by and between the City and BNY Trust Company of Missouri, St. Louis, Missouri, as Trustee, with respect to the Bonds; prescribing the form and authorizing the Execution of a Second Supplemental Lease Agreement by and between the City and Waterview Realty, L.L.C.; approving the form of a Guaranty Agreement; approving the Second Supplemental Sublease between Waterview Realty, L.L.C., and Big Dog Motorcycles, L.L.C.; and authorizing the execution of a Bond Placement Agreement by and between the City and Waterview Realty, L.L.C., as purchaser of the Bonds.

b) Technical Board Residency.

An Ordinance for the City of Wichita pertaining to residency requirements for certain boards and commissions: amending Sections 2.210.010, 18.04.020, and 22.04.150 of the Code of the City of Wichita; and repealing the original of said Sections.

c) ZON2003-37 - north of 21st Street North and east of 127th Street East. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. ZON2003-37

d) ZON2002-48 - southwest corner of Hillside and 37th Street North. (District I)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. ZON2002-48

e) ZON2000-35 - west of Tyler, south of Central. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. ZON2002-35

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

- Consent Items

- *34. VAC2003-00032 Request to Vacate Platted Alley located Northeast of the Douglas Avenue-New York Avenue Intersection. (District I)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

- *35. SUB2003-60-Plat of Big Dog Motorcycle Addition, Located on the Northwest Corner of Douglas and Hydraulic. (District I)

RECOMMENDED ACTION: Approve the plat and authorize necessary signatures.

- *36. SUB2003-66-Plat of Ridge Port Fifth Addition, Located on the East side of Ridge Road, North of 29th Street North. (District V)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures.

- *37. SUB2003-75-Plat of Via Christi Family Practice Addition, Located north of Central, east of Broadway. (District VI)

RECOMMENDED ACTION: Approve the document and plat, authorize the necessary signatures and approve the first reading of the ZON 2003-36 Ordinance.

- *38. ZON2003-00039-Zone Change from Single-Family Residential to General Office. Generally located southeast of 21st Street North-K-96 interchange, 2021, 1061, & 1857 North Wawona. (District II)

RECOMMENDED ACTION: Concur with the findings of the MAPC and approve the zone change subject to platting within a year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; OR

- *39. CON2003-00030-Conditional Use to permit a nursery garden center on property zoned Limited Commercial. Generally located northeast of the Bonnie Brae-Kellogg Drive Intersection. (District II)

RECOMMENDATION ACTION: Concur with the findings of the MAPC and
Approve the Conditional Use to permit a
Nursery and Garden Center, subject to the
Recommended conditions, and authorize the
Signature of the resolution; OR

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

40. Purchase of Furniture and Computer Equipment-Terminal Building.

RECOMMENDED ACTION: Initiate purchase of equipment.

Adjournment
